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U.S. Patent Application No. 10/674,565  
In Response to Office Action mailed January 5, 2007  
Reply to Office Action dated March 5, 2007

**REMARKS****INTRODUCTION**

Continued examination and favorable reconsideration are respectfully requested.

Claims 1, 3, 5-13, and 15-31 remain pending in the application.

At page 2, item 2, of the Office Action, the references identified on page 4 of 4 of the Forms PTO/SB/08 of the Information Disclosure Statement of December 1, 2003, were not considered. In Applicant's Reply to Office Action filed October 2, 2006, Applicant resubmitted sheet 4 of 4 of Forms PTO/SB/08 from the December 1, 2003, Information Disclosure Statement, along with copies of the 17 references listed thereon. The January 5, 2007, Office Action appears to have overlooked such resubmission. The Examiner's consideration of those references and an initialed duplicate of the sheet 4 of 4 of the Forms PTO/SB/08 is earnestly solicited. If yet another set of the references is required, the Examiner is requested to telephone the undersigned.

The January 5, 2007, Office Action rejects claims 1, 3, 5-13, and 15-31 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 28-32 of U.S. Patent No. 5,853,894 to Brown in view of the Sartomer Bulletin regarding CD611 printed 8/4/03. The Office Action also rejects claims 1, 3, 5-13, and 15-31 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 28-32 (although it is believed that other claims were intended) of U.S. Patent No. 6,495,624 to Brown in view of the Sartomer Bulletin regarding CD611 printed 8/4/03.

At page 4, the Office Action acknowledges receipt of the October 2, 2006, Terminal Disclaimer that Applicant filed in the Response to the July 18, 2006, Office Action. The Office

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Action states that the Examiner has not yet received confirmation of approval of the Terminal Disclaimer and thus has maintained the rejection originally set forth in the July 18, 2006, Office Action.

Current PAIR records indicate that the USPTO approved the Terminal Disclaimer on December 27, 2006. Attached is a copy of such record available from PAIR as USPTO Document Code - DISQ, evidencing approval of the Disclaimer. Accordingly, favorable reconsideration of the present Application and prompt issuance of a Notice of Allowance are respectfully requested.

**Rejection of Claims 1, 3, 5-13, and 15-31 on the Grounds of Nonstatutory Obviousness-Type Double Patenting Over Claims 28-32 of U.S. Patent No. 5,853,894**

The Office Action at page 2 rejected claims 1, 3, 5-13, and 15-31 on the grounds of nonstatutory, obviousness-type double patenting over claims 28-32 of U.S. Patent No. 5,853,894. For at least the following reason, Applicant respectfully traverses this rejection.

Applicant submits herewith a copy of the terminal disclaimer originally filed October 2, 2006, addressing U.S. Patent No. 5,853,894, thus rendering moot this rejection of claims 1, 3, 5-13, and 15-31. As noted above, the Terminal Disclaimer has been approved by the USPTO. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**Rejection of Claims 1, 3, 5-13, and 15-31 on the Grounds of Nonstatutory Obviousness-Type Double Patenting Over Claims 28-32 of U.S. Patent No. 6,495,624**

The Office Action at page 2 rejected claims 1, 3, 5-13, and 15-31 on the grounds of

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nonstatutory, obviousness-type double patenting over claims 28-32 (although it is believed that other claims were intended) of U.S. Patent No. 6,495,624 (Brown). For at least the following reason, Applicant respectfully traverses this rejection.

Regardless of the claims relied upon from Brown, Applicant submits herewith a copy of the terminal disclaimer originally filed October 2, 2006, addressing U.S. Patent No. 6,495,624, thus rendering moot this rejection of the claims. As noted above, the Terminal Disclaimer has been approved by the USPTO. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### CONCLUSION

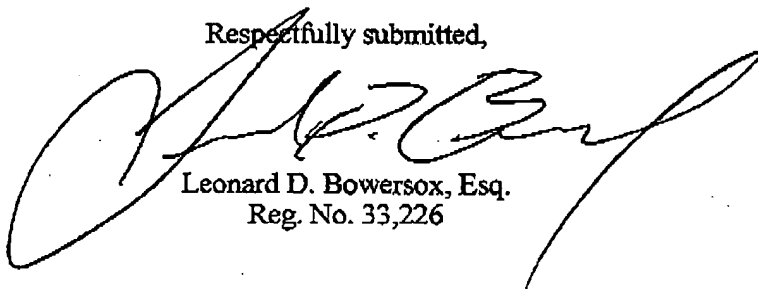
In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicant or Applicant's undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

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If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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Enclosure: Copy of Terminal Disclaimer Filed October 2, 2006  
Copy of USPTO Document Code – DISQ Noting “TD Approved 12/27/2006”